

ARTICLE APPEARED
ON PAGE 4

NEWSDAY
14 APRIL 1980

By Jim Klurfeld

Newsday Washington Bureau

Washington

IT IS not exactly what the reformers had in mind when they set out to tame the Central Intelligence Agency.

Three years ago, when the Senate Intelligence Committee began to write a charter for the U.S. intelligence community, the goal was to rein in the spooks and prevent the abuses of power revealed by congressional investigations—the assassination attempts, the domestic spying, the illegal opening of mail, the drug testing on unsuspecting citizens, the conduct of small- or even medium-scale but never declared wars. For the first time, a charter would be written that specified what secret spy organizations could and could not do and how they would be held responsible in a democratic society.

Now, after three years, three drafts, three dozen hearings, a revolution in Iran and the invasion of Afghanistan, the reformers find themselves fighting to prevent the CIA and the other intelligence-related agencies from being unleashed again—before a charter has even been adopted.

"The question we are dealing with is very basic and very important," said Rep. Les Aspin (D-Wis.) of the House Intelligence Committee, who favors a strong charter. "The intelligence agencies did some plain crazy things in the past—you know about the attempts to assassinate Castro with an exploding cigar and all the others—and we feel there must be strong congressional oversight to help prevent those types of actions in the future. To have that oversight, we need a strong charter. But we are no longer headed in that direction. Instead, with the recent international crisis, there has been an attempt to give the intelligence community greater flexibility without any of the charter restrictions."

There is a reform bill before the Congress, S2284, a 172-page document that for the first time since the creation of the CIA and its sister institutions would establish a detailed legal basis for their operation. It would ban assassinations, require prior notification to Congress of all covert operations, and guarantee to Congress full and complete access to all intelligence information.

CIA Reform Ensnared in An Undertow

But most lawmakers concede that there is very little hope of getting such a comprehensive and complicated bill through Congress this year. And S2284 is only a modified—some would say watered-down—version of a more detailed bill first introduced in 1978.

The real question before Congress is whether to grant the intelligence community the new flexibility requested by President Carter in his State of the Union message without any charter reform at all.

That is the thrust of a bill introduced by Sen. Daniel Patrick Moynihan (D-N.Y.). That bill, instead of telling the CIA what it cannot do and defining the agency's legal obligations to Congress, would allow it greater flexibility in planning and executing covert operations, reduce the number of committees the CIA must report to from eight to two, grant an exemption from provisions of the Freedom of Information Act and establish criminal penalties for current or former officials who reveal the identities of CIA officers, informants or sources.

The Moynihan bill contains none of the strictures that reformers want in a charter. It does not provide for prior notification of covert operations to Congress, guarantee Congress full access to information or ban assassinations.

"This is a classic case of a reform attempt being abandoned in the process of negotiation," said Jerry J. Berman, the legislative counsel for the American Civil Liberties Union. "It is a case of liberal failure."

The debate is over basic constitutional questions as well as the future of the intelligence agencies, and at times it has become quite bitter. Behind it all is a fundamental question: Is it possible to impose public accountability on a secret intelligence operation?

Those who have watched the charter debate since 1975 believe the CIA has achieved exactly what it set out to do—delay action long enough so that public outrage at the agency fades and events once again prove the need for CIA flexibility. As events have changed and the public mood has altered, the CIA has become more obstinate in its positions and less cooperative about congressional requests.

These are the key issues that have emerged in the debate:

- Whether the executive branch must give Congress "prior notice" of all covert operations or just "timely" notice.
- Whether Congress should have access to all information it deems necessary to carry out its oversight functions.
- To what extent the intelligence community can investigate American citizens not specifically suspected of criminal acts.
- Whether the CIA and the rest of the intelligence community should be exempted from provisions of the Freedom of Information Act.
- Whether journalists, academ-

CONTINUED